



# Rivers Alliance

## of Connecticut

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organization under  
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TO: The Environment Committee

DATE: March 8, 2010

Re: 1. S.B. No. 123 AAC PRESERVING NATURAL VEGETATION  
NEAR WETLANDS AND WATERCOURSES, *and*

S.B. No. 205 AAC ENHANCEMENTS TO THE INLAND WETLANDS  
AND WATERCOURSES ACT

Dear Sen. Meyer, Rep. Roy, and Members of the Committee:

*Rivers Alliance is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship.*

I apologize that I will only be able to submit written testimony on these bills. I am sick with a fever and suspect a personal appearance would do more harm than good.

Both these bills are aimed at preserving and restoring water quality in our upland waters and in the Sound. Both have been before this committee in the last two years, and we at Rivers Alliance thank you for your patience and wisdom in staying the course.

SB 123, which protects natural vegetation near water, retains language from 2009 in the version before you. But, as many of you know, Connecticut Fund for the Environment (CFE), Rivers Alliance, The Nature Conservancy, The Sierra Club, Tidewater Institute, and others continued to study the science and policy related to buffers. The result is the substitute language submitted by CFE, which we support.

Streamside vegetation mitigates flooding, holds reserves against drought, guards against erosion and contamination from stormwater, and protects habitat and the ecological integrity of state waters. It is natural, effective, and

important economic asset. But we continue to allow large tracts to degrade to dead zones. Let us this year, finally take the practical steps outlined in this bill to protect our state waters.

Senate Bill 2005 went through to the last hour of the legislative session, but stalled with questions concerning the key feature of the bill: clarifying that the state's commitment to upland wetlands is as firm as its commitment to coastal wetlands. Some legislators felt this might involve a major shift in policy. Since then, case law seems to be shifting to answer that question as, no. The state is committed to the protection of all wetlands. Nevertheless, it would bring comfort to commissions for the legislature to remove an ambiguity.

The bill also allows commissions to consider all evidence brought forward. One of the motives for this language is the tendency of commissions to slight recommendations from water companies and the Department of Public Health. In the Water Planning Council Advisory Group, we discussed this yet again in the past few weeks. What happens is that a letter from an agency sort of sinks to the bottom of the file when commissions are absorbed in trying to deal with lawyers, sworn witnesses, and battling scientists. DPH cannot does not have resources to testify in person at each hearing of interest, but its recommendations should be given appropriate weight.

Thank you for consideration. As always, we stand ready to answer questions or help in any way.

Sincerely,

Margaret Miner, Executive Director